



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,740	09/22/2003	Bret A. Bailey	BOC9-2003-0028 (397)	1890
40987	7590	11/30/2007		
AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER TRAN, TUYETLIEN T	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 11/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/667,740

Applicant(s)

BAILEY ET AL.

Examiner

TuyetLien (Lien) T. Tran

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-15, and 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the following communication: Amendment filed 9/21/07.

This action is made non-final.

2. Claims 1, 2, 4-15, and 17-22 are pending in the case. Claims 1, 9, 14 and 22 are independent claims.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/21/07 has been entered.

Response to Amendment

4. Applicant's amendment corrects the previous rejection under 35 U.S.C 112, second paragraph and therefore the rejection is withdrawn.
5. The Declaration and Exhibits filed on 9/12/07 under 37 CFR 1.131 have been considered but is ineffective to overcome the applied reference Spiegel et al. (Pub No US 20030055863 A1, hereinafter Spiegel).

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Spiegel reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be

Art Unit: 2179

comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). In Declaration under Declaration under 37 C.F.R. 1.131 filed 9/12/07, page 5 under Exhibit A, it appears that the applicants try to establish a conception of the invention prior to the effective date of the Spiegel reference. However, the applicants fail to provide enough evidence to support all the claimed limitations prior to the reference date; therefore do not support conception of the claimed invention. In addition, the written description provided in the Disclosure is not sufficient to one skill in the art, at the time the invention was made, to know "how to use" and "how to make" the claimed invention. For example, there is not enough evidence to support the limitations "accessing data contained within at least one configuration file containing TCP/IP settings for said computer", "displaying TCP/IP settings based upon said accessed data within said graphical user interface", "displaying help relating to configuring TCP/IP communication settings of said computer within said graphical user interface", "selection list", "checking a validity" as recited in claims 1, 5-8. The aforementioned limitations merely provides as examples of insufficient evidence supporting conception of the claimed invention. It is to be understood that there are other claimed limitations that are not sufficiently supported by the evidence provided by the declaration and the accompany exhibits.

In determining the sufficiency of a 37 CFR 1.131 affidavit or declaration, diligence needs not to be considered unless conception of the invention prior to the effective date is clearly established, since diligence comes into question only after prior conception is established. *Ex parte Kantor*, 177 USPQ 455 (Bd. App. 1958). However, in the interest of compact prosecution, the examiner notes that the evidence submitted is insufficient to establish diligence from a date prior to the effective date of the Spiegel reference (03/20/2003) to the US filing date of this application (09/22/2003) because of periods of

Art Unit: 2179

lacking activity in the Exhibits B-D without any explanation such as periods of 2 months between 01/13/2003 and 03/26/2003; 5 months between 03/27/2003 and 09/05/2003.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claims 1, 2, 5-9, 11-15, 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paxhia et. al. (Pub No. 2002/0052935 A1, hereinafter Paxhia) in view of Spiegel et al. (Pub No US 20030055863 A1, hereinafter Spiegel).**

As to claim 1, Paxhia teaches:

A method for configuring Transmission Control Protocol/Internet Protocol (TCP/IP) settings on a computer (e.g., see Fig. 13 and [0064], [0065]) comprising the steps of:

providing a graphical user interface for configuring TCP/IP settings including at least one control (e.g., see Figs. 12,13 and [0065]);

Art Unit: 2179

accessing data contained within at least one configuration file containing TCP/IP settings for said computer (e.g., read current settings from the configuration file, see [0051]; note that current settings also includes TCP/IP settings as shown in Figs. 12, 13);

displaying TCP/IP settings based upon said accessed data within said graphical user interface (e.g., build configuration pages filled in with the settings from the configuration file, see [0051] and Figs. 11-13); and

altering one or more of said TCP/IP settings within said at least one configuration file responsive to manipulation of said control (e.g., read the values contained in the configuration pages and write those values out to the configuration file, see [0051] and Fig. 11, Fig. 12).

Paxhia further teaches the configuring TCP/IP settings for a computer having AS/400 architecture also known as iSeries (e.g., see Fig. 8); however, Paxhia does not teach the configuring settings for a computer having a computer architecture for supporting multiple operating systems and applications using one or more different addressing modes.

Spiegel teaches a method and apparatus for managing a resource in an information handling system particularly for a computer having a z/architecture in which a user interface is provided for an operator to configure and manage the resource in the computer (e.g., see [0009], [0012], and [0030], [0031]).

Paxhia and Spiegel are analogous art because they are from the same field of endeavor of providing an interface for configuration (e.g., see Spiegel [0030]) for IBM platform computers (iSeries and zSeries). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the configuration graphical user interface that can be applied to a zSeries server as taught by Spiegel to the internet connection configuration graphical user interface as taught by Paxhia to create an internet connection configuration graphical user interface on a computer having a computer architecture for supporting multiple

Art Unit: 2179

operating systems and applications using one or more different addressing modes. The motivation to combine the teachings of Paxhia with Speigel is to allow easy manipulation of parameters such as IP address, network address, as well as name server.

As to claim 14, claim 14 reflects a computer-readable storage having stored thereon, a computer program having a plurality of code sections, said code sections executed by a computer for causing the computer to perform the steps as claimed in claim 1 (e.g., see [0018], [0065], and page 25 lines 7-11), and therefor is rejected along the same rationale.

As to claim 22, claim 22 reflects a system for implementing the steps as claimed in claim 1 (e.g., see [0018], [0065], and page 25 lines 7-11), and therefor is rejected along the same rationale.

As to claim 9, Paxhia teaches:

A computer-readable storage having stored thereon, a computer program having a plurality of code sections, said code sections executable by a computer for causing the computer to display a graphical user interface for a computer (e.g., see [0018], [0065], and page 25 lines 7-11) comprising, said user interface comprising:

a plurality of interface elements (e.g., see Figs. 11-13), wherein at least a portion of said interface elements display data derived from a flat file of said computer (e.g., see [0051]) that includes Transmission Control Protocol/Internet Protocol configuration settings for said computer (e.g., see [0065] and Figs. 11-13), and wherein selection of at least a portion of said interface elements alter one or more of said Transmission Control Protocol/Internet Protocol configuration settings within said flat file (e.g., read the values contained in the configuration pages and write those values out to the configuration file, see [0051] and Figs. 12-13).

Art Unit: 2179

Paxhia further teaches the configuring TCP/IP settings for a computer having AS/400 architecture also known as iSeries (e.g., see Fig. 8); however, Paxhia does not teach the configuring settings for a computer having a computer architecture for supporting multiple operating systems and applications using one or more different addressing modes.

Spiegel teaches a method and apparatus for managing a resource in an information handling system particularly for a computer having a computer architecture for supporting multiple operating systems and applications using one or more different addressing modes in which a user interface is provided for an operator to configure and manage the resource in the computer (e.g., see [0009], [0012], and [0030], [0031]). Thus, combining Paxhia's teaching with Spiegel's teaching would meet the claimed limitation for the same reasons as discussed with respect to claim 1.

As to claims 2 and 15, Spiegel further teaches wherein said graphical user interface is configured for at least one of a 32-bit multiple virtual storage operating system and a 64-bit multiple virtual storage operating system (e.g., see [0031]). Thus, combining Paxhia's teaching with Spiegel's teaching would meet the claimed limitation for the same reasons as discussed with respect to claim 1.

As to claims 5, 13, and 18, Paxhia further teaches displaying help relating to configuring TCP/IP communication settings of said computer within said graphic user interface (e.g., see [0047], [0048], Figs. 11-13). Thus, combining Paxhia's teaching with Spiegel's teaching would meet the claimed limitation for the same reasons as discussed with respect to claim 1.

As to claims 6 and 19, Paxhia further teaches:

Art Unit: 2179

providing a selection list within said graphical user interface, said selection list including a multitude of user-selectable settings for at least one configuration parameter of said configuration file (e.g., see [0051] and Fig. 11); and

updating said configuration parameter responsive to a selection within said selection list (e.g., read the values contained in the configuration pages and write those values out to the configuration file, see [0051] and Fig. 13).

As to claims 7 and 20, Paxhia further teaches synchronizing multiple ones of said at least one configuration file using said graphical user interface (e.g., read current settings from the configuration file and build configuration pages filled in with those settings, see [0051] and Fig. 11).

As to claims 8, 12, and 21, Paxhia further teaches checking a validity of at least one parameter stored within said configuration file using said graphical user interface (e.g., see [0050]).

As to claim 11, Paxhia further teaches wherein at least a portion of said plurality of interface elements accept input (e.g., see Fig. 11 and Fig. 13), and wherein said input is restricted to prevent invalid configuration settings from being written to said flat file (e.g., configuration file validation program, see [0050]).

8. Claims 4, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paxhia in view of Spiegel further in view of Wilkerson et al (Patent No 5778387, hereinafter Wilkerson).

Art Unit: 2179

As to claims 4, 10, and 17, Paxhia and Spiegel teach the limitation of claims 1, 9, and 14 for the same reasons as discussed with claims 1, 9, and 14 above. Paxhia and Spiegel fail to expressly teach integrating a graphical user interface with an interface component of an operating system of said computer.

Wilkerson teaches integrating a graphical user interface (e.g., the process operates under a system in which menus known as "panels" prompt the user for information and process selection, see col. 2 lines 32-45) integrating a graphical user interface with an interface component of an operating system of said computer (e.g., note that the interface can be run on ISPF, see col. 6 lines 45-55).

Paxhia, Spiegel, and Wilkerson are analogous art because they are from the same field of endeavor of providing an interface between an operator and the computer to allow data manipulation. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the integration of an application software with ISPF tool as taught by Wilkerson to the internet connection configuration graphical user interface as taught by Paxhia and modified by Spiegel to create an TCP/IP configuration graphical user interface integrated with an Interactive System Productivity Facility of a computer having a z/architecture. The motivation to combine the teachings of Paxhia modified by Speigel with Wilkerson is to allow a person not technically skilled in the user of a computer can operate the new procedure (see e.g., Wilkerson col. 2 lines 32-35).

Response to Arguments

9. Applicant's arguments filed 9/21/07 have been fully considered but they are not persuasive.

Art Unit: 2179

In response to Applicant's argument that "because the subject matter of Spiegel and the present Application were commonly owned by the same entity, International Business Machines Corporation (IBM), at the time the claimed invention was made, Applicant's respectfully submit that 35 U.S.C 103(c) precludes citing Spiegel, a reference qualifying only under 102(e), against the present Application", the examiner respectfully submits that if the subject matter qualifies as prior art under 35 U.S.C 102(a) or (b), it cannot be disqualified as prior art under 35 U.S.C 103(c). In this case, the publication date of the cited prior art of Spiegel is 03/20/2003 which qualifies as 102(a) date with respect to Applicant's effective filing date is 09/23/2003.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00, off on alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2179

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.T
11/28/2007

Lien Tran
Examiner
Art Unit 2179



WEILUN LO
SUPERVISORY PATENT EXAMINER